

CS/CS/HB 435 — Marketable Record Title

by General Government Policy Council; Agriculture and Natural Resources Policy Committee; and Reps. Abruzzo and Grady (CS/SB 518 by Judiciary Committee and Senator Baker)

This bill creates an exception to Marketable Record Title Act (MRTA), by providing that a property interest held by the Board of Trustees of the Internal Improvement Trust Fund, any water management district, or the United States government is not extinguished. Generally under MRTA, one who holds title to land, based on a root of title at least 30 years old, takes free and clear ownership of title and extinguishes all matters arising prior to the root of the title which are not referenced in the root of title. As a result of this bill, a property interest held by the board, a water management district, or the United States government will not be automatically extinguished by operation of MRTA. The bill adds the newly created exception to the list of existing exceptions to MRTA prescribed in s. 712.03, F.S.

The bill also provides an alternative method for notifying the purported owner of the property that a person has filed a notice with the clerk of court preserving an interest in land under MRTA. As an alternative to the current process in which the clerk mails a copy of the notice to the owner, the bill authorizes the person attempting to preserve a property interest to publish the notice in a newspaper in the county in which the property is located once a week for two consecutive weeks. The newspaper publication must include the book and page number where the notice is recorded in the clerk's official records.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 35-0; House 112-0